

REMARKS

Allowed/allowable claims 1 and 3-32 are all the claims presently pending in the application.

Applicants gratefully acknowledge that **claims 1, 3-29, and 32** are allowed, and that **claims 30 and 31** would be allowable if amended to overcome the rejection under 35 U.S.C. § 101.

NON-STATUTORY SUBJECT MATTER REJECTION

Claims 30 and 31 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter.

The Examiner rejects allowable claims 30 and 31 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner alleges that claims 30 and 31 are directed to “a *signal bearing medium, which may include a transient carrier wave, which is not fixed in a tangible medium, readable by a machine*” (see Office Action at page 3, numbered paragraph 6.

However, the Examiner states that the rejection under 35 U.S.C. § 101 would be withdrawn and allowable claims 30 and 31 would be allowed if claims 30 and 31 are amended to recite “*recordable*” before “*machine*” at line 1 of each claim.

While Applicants believe that allowable claims 30 and 31 are directed to statutory subject matter as currently written, to speed prosecution and to place allowable claims 30 and 31 in condition for immediate allowance, Applicants have amended allowable claims 30 and 31 in accordance with the Examiner’s suggestion.

Therefore, allowable claims 30 and 31 should now be allowed. The Examiner respectfully is requested to withdraw this rejection and permit allowable claims 30 and 31 to pass to immediate allowance.

It is noted that the claim amendments are made only for placing the present application in condition for allowance, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

CONCLUSION

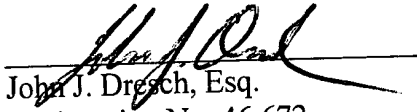
In view of the foregoing, Applicant submits that allowed/allowable claims 1 and 3-32, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date: June 29, 2005

Respectfully Submitted,


John J. Dresch, Esq.
Registration No. 46,672

Sean M. McGinn
Registration No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254